

UNITED STATES BANKRUPTCY COURT DISTRICT OF NEW JERSEY	
RAS Citron, LLC 130 Clinton Road, Suite 202 Fairfield, NJ 07004 Telephone Number 973-575-0707 Attorneys For Secured Creditor Laura Eggerman, Esq. (LE-2000)	CASE NO.: 18-10171-KCF CHAPTER 13 Objection to Confirmation of Debtor's Chapter 13 Plan
In Re: Terry L Small Brenda Small Debtors.	

OBJECTION TO CONFIRMATION OF DEBTOR'S CHAPTER 13 PLAN

DITECH FINANCIAL LLC ("Secured Creditor"), by and through its undersigned counsel, objects to confirmation of Debtor's Chapter 13 Plan (DE # 3), and states as follows:

1. Debtor, Terry L Small, {and Joint Debtor, Brenda Small, ("Debtor"), filed a voluntary petition pursuant to Chapter 13 of the Bankruptcy Code on January 3, 2018.
2. Secured Creditor holds a security interest in the Debtor's real property located at 10 MARGARET DRIVE, SOUTH BRUNSWICK, NJ 08810, by virtue of a Mortgage recorded on February 5, 2004 in Book 09326, at Page 0258 of the Public Records of Atlantic County, NJ. Said Mortgage secures a Note in the amount of \$195,000.00.
3. The Debtor filed a Chapter 13 Plan on January 3, 2018.
4. The Plan includes payments toward the Note and Mortgage with Secured Creditor, however the figures used by the Debtor are inaccurate and do not conform to Secured Creditor's timely-filed Proof of Claim. The correct pre-petition arrearage due Secured Creditor is \$2,910.54, whereas the Plan does not propose to pay any arrearage. Therefore, the Plan is not in compliance with the requirements of 11 U.S.C. §§ 1322(b)(3) and 1325(a)(5) and cannot be confirmed. Secured Creditor objects to any plan which

proposes to pay it anything less than \$2,910.54 as the pre-petition arrearage over the life of the plan.

5. Based on Debtor's Schedules, the Plan does not appear feasible due to the representation that sufficient disposable income is not available to support the proposed Plan payments. Thus, the plan violates the provisions of 11 U.S.C. § 1325(a)(6) and cannot be confirmed.

WHEREFORE, Secured Creditor respectfully requests this Court sustain the objections stated herein and deny confirmation of Debtor's Plan, and for such other and further relief as the Court may deem just and proper.

RAS Citron, LLC
Attorney for Secured Creditor
130 Clinton Road, Suite 202
Fairfield, NJ 07004
Telephone Number 973-575-0707

By: /s/Laura Egerman
Laura Egerman, Esquire
NJ Bar Number LE-2000
Email: legerman@rasnj.com

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CERTIFICATION OF SERVICE

1. I, Laura Eggerman, represent DITECH FINANCIAL LLC in this matter.
2. On 2/20/2018, I caused a copy of the following pleadings and/or documents to be sent to the parties listed in the chart below.
3. I certify under penalty of perjury that the above documents were sent using the mode of service indicated.

2/20/2018

RAS Citron, LLC
Attorney for Secured Creditor
130 Clinton Road, Suite 202
Fairfield, NJ 07004
Telephone Number 973-575-0707

By: /s/Laura Eggerman
Laura Eggerman, Esquire
NJ Bar Number LE-2000
Email: legerman@rasnj.com

<u>Name and Address of Party Served</u>	<u>Relationship of Party to the Case</u>	<u>Mode of Service</u>
Sarah J Crouch Fitzgerald & Crouch, P.C. 649 Newark Avenue Jersey City, NJ 07306	Attorney for Debtor	<input type="checkbox"/> Hand-delivered <input checked="" type="checkbox"/> Regular mail <input type="checkbox"/> Certified Mail/RR <input type="checkbox"/> E-mail <input checked="" type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other <hr/> (as authorized by the court*)
Terry L Small 10 Margaret Drive Dayton, NJ 08810	Debtor	<input type="checkbox"/> Hand-delivered <input checked="" type="checkbox"/> Regular mail <input type="checkbox"/> Certified Mail/RR <input type="checkbox"/> E-mail <input type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other <hr/> (as authorized by the court*)
Brenda Small 10 Margaret Drive Dayton, NJ 08810	Debtor	<input type="checkbox"/> Hand-delivered <input checked="" type="checkbox"/> Regular mail <input type="checkbox"/> Certified Mail/RR <input type="checkbox"/> E-mail <input type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other <hr/> (as authorized by the court*)
Albert Russo CN 4853 Trenton, NJ 08650-4853	Trustee	<input type="checkbox"/> Hand-delivered <input checked="" type="checkbox"/> Regular mail <input type="checkbox"/> Certified Mail/RR <input type="checkbox"/> E-mail <input checked="" type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other <hr/> (as authorized by the court*)
US Dept of Justice Office of the US Trustee One Newark Center Ste 2100 Newark, NJ 07102	U.S. Trustee	<input type="checkbox"/> Hand-delivered <input checked="" type="checkbox"/> Regular mail <input type="checkbox"/> Certified Mail/RR <input type="checkbox"/> E-mail <input checked="" type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other <hr/> (as authorized by the court*)